

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Andrew Hedden, Robert Barnes, KL Shannon, Dr.	)	Case No.: 2:05 999 TSZ
)	
John Bucher, Christopher Konkell, Terry Batterson,	)	DECLARATION OF PAUL RICHMOND IN
	)	SUPPORT OF
et al,	)	REQUEST TO SEVER CASE OF THE LATE
	)	TERRY BATTEPERSON, AND TO GRANT AN
Plaintiffs,	)	EXTENSION TO ALLOW APPOINTMENT OF A
	)	PERSONAL REPRESENTATIVE, AND TO
vs.	)	ALLOW COUNSEL RICHMOND TO WITHDRAW
	)	FROM THIS CASE FOR THIS PLAINTIFF.
City of Seattle, et al,)	
)	
Defendants	)	NOTED FOR FRIDAY DECEMBER 15, 2006
)	

Paul Richmond swears as follows:

- 1) I am over eighteen years old, a resident of Seattle Washington and Competent to testify in this matter.
- 2) I am counsel for Plaintiffs in this matter.
- 3) Mr. Batterson, a Plaintiff, is recently deceased.
- 4) There is reasonable question as to whether Mr. Batterson's death was a suicide.
- 5) There is reasonable question as to whether that suicide was a result of what happened on June 5, 2006.
- 6) The underlying circumstances in the case involving the late Mr. Batterson are substantially different from those of the remaining plaintiffs.

- 1 7) The most substantial harms that occurred to Mr. Terry Batterson occurred three days
- 2 later than those of the other Plaintiffs at a smaller demonstration.
- 3 8) The events that occurred to Mr. Batterson are described in the original Complaint filed
- 4 as Dkt.1, and Dkt. 2 at 1.18, 3.114, and 3.135.
- 5 9) As is captured in a videotape Batterson took, he was videotaping a young
- 6 demonstrator walking in front of a line of police guarding the Red Lion Inn.
- 7 10) In this videotape, several officers tackled and arrested this demonstrator.
- 8 11) Batterson, still videotaping, begins shouting at these officers.
- 9 12) Several of these officers, tackle and arrest Batterson.
- 10 13) A copy of this is attached as Exhibit 1,DVD taken by Mr. Batterson, previously
- 11 provided as DVD 2, Disclosure of June 11. 2006, at the start of clip two. This has been
- 12 sent to the Court under separate cover.
- 13 14) This videotape is the complete copy of Mr. Batterson's videotape of those days' events
- 14 possessed by Counsel Richmond.
- 15 15) Batterson contacted me in the Spring of 2006, and indicated that he wanted to be
- 16 removed from this case.
- 17 16) When the amended complaint was filed, Batterson was per his instructions, removed
- 18 as a Plaintiff.
- 19 17) On or about late October Counsel I received information from friends of Mr. Batterson,
- 20 that Mr. had died and that Mr. Batteron's death was a suicide.
- 21 18) In addition I received information that the late Mr. Batterson's suicide was linked to
- 22 events surrounding his arrest on June 5, 2003.
- 23 19) I have confirmed Mr. Batterson's death through the Social Security Death Registry.
- 24 20) While I cannot say this is true conclusively that Mr. Batterson's death was a suicide,
- 25 and I am limited by rules of confidentiality, this is certainly plausible that he committed
- suicide.

26) I consulted with opposing counsel and attempted to see if a stipulated motion could be worked out with Defendants' Counsel, before filing this motion.

I swear the above is true and based upon my personal knowledge and/or reasonable belief, so sworn this 6th day of December, 2006.

Paul Richmond, WSBA 32306
Law Office of Paul Richmond
600 1st Avenue, Suite 331
Seattle, WA, 98104

CERTIFICATE OF SERVICE

I hereby certify that on December 6th 2006 I caused the attached documents
COUNSEL'S REQUEST TO SEVER PLAINTIFF TERRY BATTERSON AND APPOINT A PERSONAL
REPRESENTATIVE, DECLARATION OF PAUL RICHMOND, PROPOSED ORDER
to be filed through the Court's ECF filing system which will send notice to the following:

Ted Buck, Associated Counsel tbuck@staffordfrey.com
Raul Martinez, rmartinez@staffordfrey.com
Darrin Bailey, dbailey@staffordfrey.com
Tobin Dale, tdale@staffordfrey.com
Counsel for City Defendants, Stafford Frey Cooper

/s/ Paul Richmond, through ECF
Paul Richmond